



Staff Report

INFORMATIONAL REPORT ON IMPLEMENTATION OF ADMINISTRATIVE CODE ENFORCEMENT TEAM PROGRAM

Honorable Mayor and Council Members:

Summary

The City Council gave direction at their February 9, 2010 meeting to move forward with the implementation of an enhanced code enforcement program to be administered by the City's Administrative Code Enforcement (ACET) Team. The ACET function, under the direction of Thomas Fil, Finance Director, conducts regular monthly meetings to discuss code enforcement matters in the community to determine what type of follow-up action should be taken.

The Community Development Department and Police Departments continue to receive calls from the community regarding code enforcement issues. Both departments continue to respond and take action on each complaint where a violation exists.

Background

The initial report to Council on May 12, 2009 and the subsequent report on February 9, 2010 outlined the concepts of the ACET program. The ACET would comprise of employees representing all City departments. The ACET would undertake both educational and enforcement efforts to correct code violations they observe. The ACET would use a progressive enforcement strategy commencing with contacting and educating the community, determining if code violations exist, and providing a time period to correct violations. The program is designed to move from a complaint driven enforcement system to a proactive format.

The team would be deployed for two 4-hour periods during the month. The first period entails a contact and education phase. The second phase would include an assessment if the violations or problem has been corrected or if further enforcement action is required. It should be noted that the team members can begin the enforcement process at any level, depending on the severity of the violations.

During the February 9, 2010 Council meeting, it was confirmed that the program would move forward to achieve the stated milestones to begin the inspection phase of the program.

Discussion

ACET has been working on the recommendations and questions the City Council provided at the May 12, 2009, and February 9, 2010 meetings. The team is continuing their contacts with the community. They have developed a tri-fold informational pamphlet to be distributed when contact is made with the community. ACET members involved in the Inspection/Education/Documentation phase of the program have been identified and the various departments have concurred with their future participation.

ACET has developed the geographic sectors for the city so every street/area will be addressed during the year, and is facilitating acquisition of identifying equipment for the team (jacket/vest, etc) that will be needed when the inspections begin.

Due to reduced staffing levels and an increase in job duties, ACET will begin the coordinated program team inspections on a quarterly basis until staffing levels improve. The quarterly inspections are slated at this point to begin in the first quarter of 2011. Once staffing levels improve, the program will continue on a monthly basis as originally intended.

ACET will review the history of calls for service for code enforcement complaints and other quality of life issues that have been received to determine which geographic sector to concentrate their initial efforts. ACET will then begin to analyze the successes and failures to improve the program for further inspections.

In the mean time, the Code Enforcement Officer, C.S.O.'s and staff from the Public Works and Park & Recreation Departments continue to respond to all reports of possible code enforcement violations that fall under their specific jurisdiction. The Code Enforcement Officer and CSO's continue to work together as a team to address any issues that arise to achieve the proper response and outcome.

The Code Enforcement Officer has also begun taking a proactive approach to code enforcement violations. The Code Enforcement Division has divided the City into five quadrants. Each day, the Code Enforcement Officer conducts inspections in a specific quadrant and takes action on any code enforcement violations that are observed. This proactive approach has allowed the Code Enforcement Officer the ability to check almost every street, each week, in the City for code enforcement violations.

This proactive approach began in January 2009. Since that time the Code Enforcement Division has opened 274 new cases. This proactive code enforcement program will continue along with the ACET program when implemented.

ACET has also taken on other issues occurring in the City of Belmont with success. Recently, two properties that were requiring a large amount of resources by city staff were addressed by ACET. ACET took a proactive approach utilizing the resources of multiple departments and using this joint enforcement effort was able to have all violations corrected to the satisfaction of the surrounding neighbors.

ACET continues to discuss/assess various departmental code enforcement issues; the multi-department team approach in this regard has fostered successful resolution.

Information Services Department ACET Role

The IS Department supports ACET in several ways. A member of the IS Department attends each ACET meeting, and the GIS Coordinator has created several charts, graphs, and maps to illustrate and supplement ACET efforts. In addition, the IS Department has recently begun Phase II of Belmont's E-Vision Technology Plan, implementing the Hansen software tool, containing modules which include: Work Orders, Customer Relations Management (CRM) and Asset Management. The CRM module is the central repository for all Service Requests, and replaces legacy systems and business processes for managing such requests.

As staff more fully utilizes the Hansen System, ACET efforts will be further benefitted by: identifying and eliminating redundancy in requests, properly assigning responsibility in a timely manner, and providing a mechanism to search and report on historical and current issues. Training on these modules has taken place and included members of each department. The IS Director has worked with Department Heads and individuals to encourage the use of this tool, and recently addressed the ACET members with an update on the progress and path of this ongoing project. As the E-Vision Plan continues, future phases will include the ability for the public to submit their Service Requests directly into the Hansen system via the Internet.

General Plan/Vision Statement

In preparing this report and assessing community preservation ideals, an enhanced code enforcement program is consistent with and furthers the city's General Plan/Vision as follows:

Distinctive Community Charter

1. *"Belmont prides itself on being unique."*
2. *"Its small-town ambience set it apart as a tranquil, safe, and desirable place to live."*
3. *"We get involved in town matters because we care about living here."*

Fiscal Impact

Implementing the ACET revolving inspection program will not come without a cost. There will be five employees removed from their normal duties for a period of forty hours per month in total. Reallocations of these employees from their normal assigned duties would result in other staff taking on additional responsibility. Additional staff will not be required to facilitate this effort nor will it be necessary for employees to work on an overtime basis.

Public Contact

1. This matter was placed on the agenda and posted as required by the California Government Code.
2. This matter was introduced at the May 12, 2009 City Council Meeting and further discussed at the February 9, 2010 meeting.
3. Presentations have been made and reviewed at Homeowners Associations Neighborhood Meetings.

Recommendation

1. This report serves as an update to the City Council on the progress of the program; Staff recommends continuing with the current structure of ACET and its implementation efforts in the first quarter of 2011.

Alternatives

1. Send report back to staff for further follow-up.
2. Provide alternative direction as necessary.

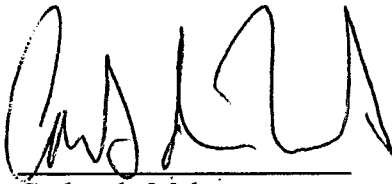
Attachments

- A. May 12, 2009 City Council Staff Report
- B. February 9, 2010 City Council Staff Report

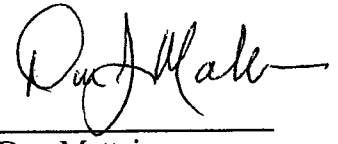
Respectfully submitted,



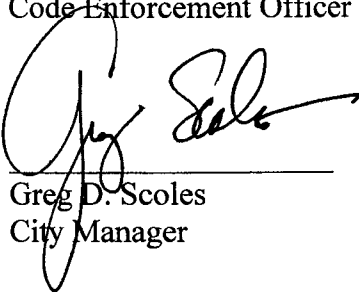
Kirk Buckman
Code Enforcement Officer



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Don Mattei
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Staff Report

COMMUNITY PRESERVATION – AN ENHANCED APPROACH TO CODE ENFORCEMENT – INFORMATIONAL REPORT

Honorable Mayor and Council Members:

A Joint Report Prepared by Community Development Department, Belmont Police Department, and City Attorney

Summary

Code Enforcement is an important issue to the City Council, the City staff and the community. The staff is proposing a more unified approach to the enforcement of these violations in which every city department is actively involved in education and enforcement of the Municipal Code. The Police Department and Community Development Department are constantly looking for ways to improve our current Code Enforcement Program.

Background

Current City policy has historically approached Code Enforcement violations or concerns on a complaint basis. The City does not typically go and search for specific violations. We depend on the community to bring issues to our attention. There are basically two ways this can be accomplished - either via contact with 1) the Police Department or 2) the Code Enforcement Officer in the Community Development Department. The City will then send the Code Enforcement Officer or a member of the Police Department to investigate the violations. The responsible person is given the opportunity to correct the violation. In the majority of these violations, compliance is met with a verbal warning and the problem is resolved. Typical Code Enforcement issues/violations are listed in the Belmont Municipal Code, which can be viewed on the City of Belmont website.

One of the key reasons Code Enforcement operates on a complaint based system is due to the various tolerance levels accepted by neighborhoods. What may be considered acceptable in one part of the community may not be in another. What makes Belmont unique from our neighboring cities is the connection the members of the community have developed within their own neighborhood. There are many examples of Code Enforcement violations that occur in different neighborhoods that raise differential concern. One is parking - in some neighborhoods, cars are parked on the wrong side of the road elicit many complaints, while in others very few.

Philosophically, the focus for the City is not issuing a citation for a Code Enforcement violation, but compliance and cooperation from the community. When a citation is issued, it is issued as an

Administrative Code Violation under the City Municipal Code. The citation is not a criminal violation of the law but a civil violation; thus, only fines can be attached to the violations. As a City, education of Code Enforcement violators is a significant undertaking. By working with (i.e. educating) the violator, there is an expected investment in the process and a correction of the behavior and/or problem. If the violation is not corrected, the next step is progression to the citation process.

There have been a number of studies completed that indicate the defining and maintaining of “Quality of Life” issues are critical challenges that communities face. The method in which the City effectively and efficiently deals with these issues is also critically important. As an example, there are the basic needs of keeping the community safe from criminal acts, reducing speeding in neighborhoods, and making sure that our children are safe. The City understands these basic needs and makes every effort to make sure they are a priority for the Police Department.

There are a number of ways cities typically handle Code Enforcement complaints at the intake level. The City employee who takes the report is the primary point of contact and the person who will determine if the complaint will be successfully handled. If the problem is addressed quickly and with a caring attitude, typically most citizens will be satisfied and the complainant will not have to raise their problem above the initial intake level. Problems that rise to the attention of the City Council are typically due to insufficient follow-up at the outset. All too often, we as public employees approach customer service with a misunderstanding of our individual roles. We must remember that we are the sole source vendors to the community; the citizens have only one place to go if they have a problem - the City.

Discussion

In order for City staff to better deal with the “Quality of Life” issues, does a more proactive enforcement strategy need to be implemented? The Police Department and Community Development Departments have received concerns that the City’s Code Enforcement Program is perceived to be not effective. The program, in reality, is effective and responds to the complaints in a timely manner. The City currently has the Administrative Code Enforcement Team (ACET) which is made up of members from City departments who have various responsibilities in enforcing sections of the Municipal Code. They are the Police Department, Community Development, Department of Public Works, Belmont/San Carlos Fire, and Parks and Recreation Department.

In order to address this issue of efficiency in Code Enforcement and not reinvent a new program, members of the Administration Code Enforcement Team are seeking to bring ACET to the next phase. The ACET team can be effectively used to supplement the current Code Enforcement activity that occurs in both the Police Department and Community Development Department during standard day-to-day operations. The ACET is not designed to replace the normal response procedures that are currently in place within the City. The City will continue to respond to the needs of the community in regards to calls for service.

The ACET views this “code enforcement supplement” as a great opportunity to better serve the community, not only from an enforcement standpoint, but as an educational view point. The team would like to change the way the City looks at Code Enforcement and how we conduct business. We envision creating a new, unique, model that is flexible in the way in which we deal with issues that surround the community’s perceptions of their quality of life issues. The ACET would also promote the philosophy of educating the community. Team members will conduct proactive meetings in the community and with businesses. To achieve success, the ACET will need to have a problem solving, engaging view of issues.

Code Enforcement will require a great deal of flexibility in the way the City and departments respond to problems brought forward by members of the community. It may require that employees “press pause” on their current tasks, and respond immediately to the problem. When a complaint is brought to the City’s attention, the last thing a citizen wants to hear is that the City cannot do anything for them. We must have the ability to provide referral information or direct them to another department, agency, or other outside sources – and equally important, follow-up to confirm resolution.

The next logical step for the ACET would be to move into the enforcement phase. If the City is committed to a true Code Enforcement Program, the ACET would be the team that would identify Code Enforcement violations before they become a neighborhood issue. They would have the ability to proactively deal with the problems and correct them in the most effective way possible before they turn into public nuisances. To achieve these ideals, the group must be well organized and appropriately assigned to check specific areas for violations. The ACET would be tasked to go out and engage the community and correct issues through education, warnings, and enforcement. The ACET will provide City Council with a quarterly update report on the number of cases, citations, and warnings issued during the time period.

In order for the ACET to identify violations, they will walk around the neighborhoods and have direct contact with members of the community. The intention of the ACET team is to conduct follow-up visits on violations reported during the previous month. Some of these may involve visual inspections; others may involve talking with the violator or thanking the individual for correcting the violation. ACET would also conduct outreach meetings with the Homeowners Associations and sponsor booths at local events promoting positive contact with the community and educating them on Code Enforcement issues.

The strategy for the ACET would be to deploy as a team two times per month making routine checks of one of the ten Administrative Code Enforcement Areas (see map further in Report). During these checks, they would look for violations, re-check past complaints, issue citations, or write a work correction agreement with the responsible parties. In order to accomplish these goals in a systemic fashion, the ACET is recommending the following:

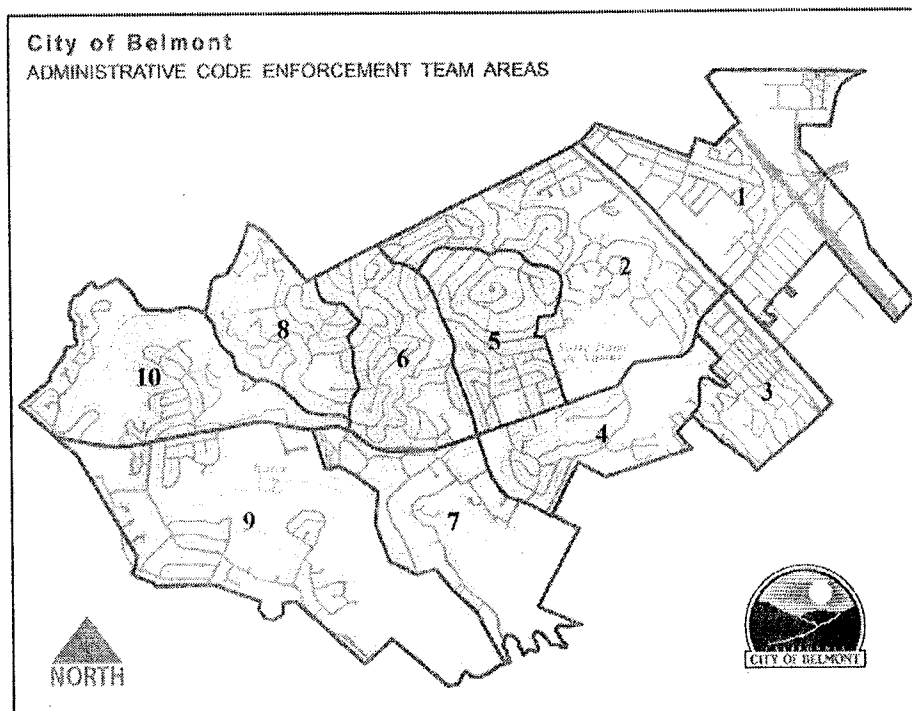
- The ACET would divide the City in to ten geographical areas.

- These geographical areas would be checked twice a month by the ACET.
- These areas would be checked on a regular basis.
- There would be regular inspections of residences or businesses under construction.
- The ACET would deal with those violations on the spot by either issuing a warning or citation.

It should be noted that the Community Development Department has already begun an experimental Direct Enforcement Program. The program takes a similar approach to the ACET Program in that the community is divided up into geographical areas (in this case five) that are patrolled by the Code Enforcement Officer & Chief Building Official on a routine basis. This is a “windshield view” of Code Enforcement assessment. The Code Enforcement Officer documents violations that are visible from a vehicle and then takes the appropriate action regarding the potential violations. The program has been running for approximately three weeks with a great deal of success. This effort is not draconian in nature; the emphasis is on education rather than enforcement. And while a deadline is specified in the correspondence, there is no mention of a Notice of Violation or fines. As discussed above, the proposed ACET approach also offers a more in depth look at code violations to augment this new program.

The following chart documents a draft timetable for conduct of the proposed ACET Team revolving inspection program:

Area	Initial	Follow-up	Area	Initial	Follow-up
Section 1	06/01	06/30	Section 6	09/01	09/30
Section 2	06/15	07/17	Section 7	10/01	10/31
Section 3	07/01	07/30	Section 8	10/15	11/17
Section 4	08/14	08/31	Section 9	11/01	11/30
Section 5	08/14	09/16	Section 10	12/01	12/17



General Plan/Vision Statement

In preparing this report and assessing quality of life issues that are paramount to the nature of small town living, the following statements from the City of Belmont Vision Statement are applicable to a “Community Preservation” effort via an enhanced Code Enforcement Program:

Distinctive Community Character

1. *“Belmont prides itself on being unique.”*
2. *“Its small-town ambience sets it apart as a tranquil, safe, and desirable place to live.”*
3. *“We get involved in town matters because we care about living here.”*

Fiscal Impact

Implementing the ACET revolving inspection program will not come without cost. There will be five employees removed from their normal duties for a period of forty hours per month in total. Reallocation of these employees from their normal assigned duties would result in other staff taking on additional responsibility. Additional staff will not be required to facilitate this effort nor will it be necessary for employees to work on an overtime basis.

Public Contact

1. This matter was placed on the agenda and posted as required by the California Government Code.
2. There have been a number of occasions that the ACET Team has interacted with members of the community – past activities/policy direction has also been discussed at previous City Council meetings.

Recommendation

The staff is seeking direction and comments regarding the above proposed program. The staff strongly supports the use of the ACET Team as the group to address Code Enforcement issues throughout the community. By having representatives from the various City departments and instilling a “team” approach, ACET can champion Code Enforcement improvement in the community. As discussed earlier, the recommended ACET approach would be a supplemental program to our current enforcement operations.

Alternatives

1. Continue to operate with two departments (Police & Community Development) working on Code Enforcement issues.
2. Restructure Code Enforcement and place the responsibility in the Police Department or Community Development Department.
3. Send report back to staff for further follow-up.

Respectfully submitted,

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Carlos de Melo
Community Development Director

Jack R. Crist
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Staff Report

UPDATE ON IMPLEMENTATION OF THE ENHANCED CODE ENFORCEMENT PROGRAM

Honorable Mayor and Council Members:

Summary

The City Council gave direction at their May 12, 2009 meeting to move forward with the implementation of an enhanced code enforcement program to be administered by the City's Administrative Code Enforcement (ACET) Team. The ACET function, under the direction of Thomas Fil, Finance Director, conducts regular monthly meetings to discuss code enforcement matters in the community to determine what type of follow-up action should be taken.

The Police & Community Development Departments continue to receive calls from the community regarding code enforcement issues. Both departments continue to respond and investigate each complaint, to determine if there are any code violations.

Background

The initial 5/12/09 report to the Council outlined the concepts of ACET. This team would be comprised of employees representing all City departments. The ACET would undertake both educational and enforcement efforts. There would be a progression of enforcement activity commencing with contacting and educating the community, determining if code violations exist, and providing a time period for correction. The program is designed to move from a complaint based system to a more proactive format.

The team would be deployed for two 4-hour periods during the month. The first period entails a contact and educate phase. The second phase would include an assessment if the violation or problem has been corrected or whether the issuance of a citation is necessary. It should be noted that team members can issue a citation at any time for any serious violation of the Municipal Code.

Discussion

ACET has been working on the recommendations and questions the City Council provided at the 5/12/09 meeting. They are continuing their contacts with the community. They have identified the need to develop a tri-fold information pamphlet to be distributed when contact is made with the community. ACET members involved in the Inspection/Education/Documentation phase of this program have been identified and the various departments have concurred with their future participation.

ACET is in the process of establishing a consistent attire for team members (jacket/vest, etc.,) so they can be easily identified during their contacts with the community. The group has discussed the best way to implement a "Case Manager" system to review each formal complaint and make the determination if the case will be closed, sent back for further investigation, or whether an alternate action should be taken. ACET is also assessing the geographical sectors for the city so every street/area will be addressed during the year. The team has handled several problems since its formation and will continue to discuss code enforcement violations.

Staff will implement the actual deployment of the team once the mid-year budget review has been completed. There is the strong potential that there will be a cost benefit/analysis that must be reconciled prior to moving forward with this project. The members of the team will work during their normal business hours; however, the eight hours they spend per month to fulfill their ACET responsibilities will result in a slight "slowdown" with their other routine work/tasks.

General Plan/Vision Statement

In preparing this report and assessing community preservation ideals, an enhanced code enforcement program is consistent with and furthers the city's General Plan/Vision as follows:

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Public Contact

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2. This matter was introduced at the May 12, 2009 City Council meeting.
3. Presentations have been made and reviewed at Homeowners Association Neighborhood Meetings.

Recommendation

This report serves as an update to the City Council on the progress of the program; Staff anticipates implementation in March-April 2010. Staff continues to recommend proceeding forward with the program.

Alternatives

1. Continue to operate with two departments (Police & Community Development) working on Code Enforcement issues.
2. Continue with the current structure of ACET and implementation efforts.
3. Postpone implementation of this enhanced Code Enforcement Program.
4. Send report back to staff for further follow-up.

Respectfully submitted,

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Acting City Manager

Carlos de Melo
Community Development Director

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